STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)				
CRYSTAL STOKES,)				
Complainant, and ILLINOIS BELL TELEPHONE COMPANY, Respondent.)))))))))	CHARGE NO(S): EEOC NO(S): ALS NO(S):			
<u>•</u>	<u>IOTICE</u>				
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.					
STATE OF ILLINOIS HUMAN RIGHTS COMMISSION)	Entered this 1 st	day of April 2011		
		TH CHAMBERS JTIVE DIRECTOR			

STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)		
CRYSTAL STOKES,)		
Complainant,))) Charge		
and) EEOC!) ALS No		
ILLINOIS BELL TELEPHONE COMPANY,)) Judge l))	
Respondent.)		

RECOMMENDED ORDER AND DECISION

This matter has come to be heard on Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant was duly served with the Motion and given an opportunity to respond, but failed to do so.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record. Moreover, the Department was duly served with the Motion and given an opportunity to be heard. Accordingly, this matter is now ready for disposition.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

- 1. Complainant filed a charge with the Department on September 12, 2008, alleging that Respondent unlawfully discriminated against her due to her sex and race. Respondent denies Complainant's allegations.
- 2. The Department filed a complaint with the Commission on Complainant's behalf on February 16, 2010. By notice dated February 17, 2010, which was duly served upon the parties, the Commission scheduled the initial status hearing for May 12, 2010.

- 3. Respondent appeared at the May 12 initial status hearing through counsel. Complainant did not appear, either personally or through counsel.
- 4. By order dated May 12, 2010, the next status hearing was scheduled for June 9, 2010. The May 12 order warned Complainant that she risked dismissal of her case if she did not appear at the June 9 status hearing. Respondent served a copy of the May 12 order upon Complainant at her last known address.
- 5. Neither Complainant nor an attorney on her behalf appeared at the June 9 status hearing. Accordingly, Respondent was granted leave to file this Motion.
- 6. Respondent served a copy of this Motion upon Complainant at her last known address.

 Although Complainant was duly served with Respondent's Motion, she never filed a response.

CONCLUSIONS OF LAW

- 1. Complainant has failed to prosecute her case, which has unreasonably delayed the proceedings in this matter.
- 2. As a result of Complainant's failure to prosecute her case, this case should be dismissed.

DISCUSSION

Complainant has failed to appear at two consecutive status hearings. Prior to missing her second status hearing, Complainant was warned that her failure to appear could result in the dismissal of her case. Furthermore, Complainant has not responded to this Motion or provided any justification whatsoever regarding her failure to prosecute her case. It appears that Complainant simply has abandoned her claim.

The Commission routinely dismisses abandoned claims. See, e.g., Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009 and Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992. The Commission also dismisses cases where complainants fail to appear at dates scheduled for hearing or status, as a complainant's failure to appear unreasonably delays proceedings before the Commission. See, e.g., Stewart and SBC

Midwest, IHRC, ALS No. 04-227, March 22, 2006 and <u>Jackson and Chicago Firefighters Union</u>
<u>Local No. 2</u>, IHRC, ALS No. 8193, September 29, 1997.

Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion be granted, and that the complaint and underlying charge against Respondent be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY:	•		

LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July $\frac{23}{2}$, 2010